

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v. // CRIMINAL NO. 1:18CR17-1
(Judge Keeley)

AMANZE ANTOINE,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 87]
AND DENYING DEFENDANT'S MOTION TO SUPPRESS [DKT. NO. 52]

On May 14, 2018, the defendant, Amanze Antoine ("Antoine"), moved to suppress evidence from three cell phones seized during a traffic stop from which he fled (Dkt. No. 52). Pursuant to 28 U.S.C. § 636(b)(1), the Court referred the motion to the Honorable Michael J. Aloï, United States Magistrate Judge, for preparation of a report and recommendation ("R&R") (Dkt. No. 53). Following an evidentiary hearing (Dkt. No. 83), Magistrate Judge Aloï entered an R&R recommending that the Court deny the motion to suppress because Antoine lost his privacy interest in the phones when he abandoned them (Dkt. No. 87). No party has filed objections to the R&R.

When considering a magistrate judge's R&R made pursuant to 28 U.S.C. § 636(b)(1), the Court must review de novo those portions to which objection is timely made. Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations to which the [parties do] not object." Dellacirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W.Va. 2007) (citing Camby v.

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Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are "clearly erroneous." See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Having reviewed the record and the R&R, finding no clear error, the Court **ADOPTS** the R&R (Dkt. No. 87), and **DENIES** Antoine's motion to suppress (Dkt. No. 52).

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: June 7, 2018.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE